

Applicant: Puskas, William L.  
Serial: No.: 09/370,302  
Atty. Docket No.: NEUL-129DV1 (56726-019)

### **Remarks**

Claims 24–44 remain in the application. No amendments have been made. In the Action, claims 32–44 were objected to as dependent upon a rejected base claim but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

Claims 24–31 were rejected under 35 U.S.C. §103 as being unpatentable over Japanese Patent JP 07163954A (Shibano) in view of U.S. Patent No. 6,394,111 (Jacobs), and U.S. Patent No. 6,295,873 (Condreva). Claim 24, the sole independent claim in the application is directed to a probe system for a process liquid in a process trunk having an enclosure housing a sample liquid and one or more sensing transducers. The enclosure passes ultrasonic energy from the process liquid, and the sample liquid is responsive to that energy. The transducers generate signals indicative of characteristics of the sample fluid. The sample of fluid may differ from, or can be the same as, the process liquid. As agreed to at the interview, neither Shibano nor Jacobs, alone or together, teach or suggest the invention of claim 24. Accordingly, the cited references do not provide the proper basis for the outstanding §103 rejection. That rejection should be considered and withdrawn.

### **Conclusion**

For the reasons set forth above, there is no proper basis for rejection of claim 24, and all remaining claims 25-44, which depend on claim 24. All outstanding rejections should be reconsidered and withdrawn. All claims 24-44 are believed to be in condition for allowance. Passage to issue as requested.

Applicant: Puskas, William L.  
Serial No.: 09/370,302  
Atty. Docket No.: NEUL-129DV1 (56726-019)

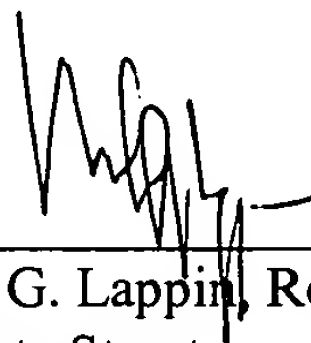
No additional costs are believed to be due in connection with the filing of this paper. However, the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to our Deposit Account No. 50-1133.

Respectfully Submitted,

McDermott Will & Emery LLP  
Customer No. 23630

Date: \_\_\_\_\_

7/22/04

  
\_\_\_\_\_  
Mark G. Lappin, Reg. No. 26,618  
28 State Street  
Boston, MA 02109-1775  
Phone: 617.535.4043  
Facsimile: 617.535.3800